

FD-128
(7-93)

**United States District Court
for the Northern District of New York**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

U.S. DISTRICT COURT - N.D. OF N.Y. FILED MAY - 6 2011 AT _____ O'CLOCK _____ Lawrence K. Baerman, Clerk - Binghamton

Name of Offender: Joseph P. Brown

Case Number: 1:07-CR-000026-001

Name of Sentencing Judicial Officer: Honorable Thomas J. McAvoy, Senior U.S. District Court Judge

Date of Original Sentence: March 8, 2010

Original Offense: Possession of Child Pornography, Forfeiture Allegation

Original Sentence: 60 Months BOP, Life Term of Supervised Release

Type of Supervision: Supervised Release

Date Supervision Commenced: April 10, 2011

PETITIONING THE COURT

[] To extend the term of supervision for years, for a total term of years.

[X] To modify the conditions of supervision as follows:

1. You shall participate in a mental health program, which will include, but will not be limited to, participation in a treatment program for sexual disorders. The program shall be approved by the United States Probation Office.

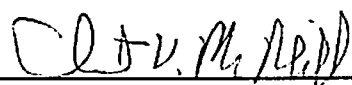
Your supervision may include examinations using a polygraph, computerized voice stress analyzer, or other similar device to obtain information necessary for supervision, case monitoring, and treatment. You shall answer the questions posed during the examination, subject to your right to challenge in a court of law the use of such statements as violations of your Fifth Amendment rights. In this regard, you shall be deemed to have not waived your Fifth Amendment rights. The results of any examinations shall be disclosed to the United States Probation Office and the Court, but shall not be further disclosed without the approval of the Court.

CAUSE


The defendant was sentenced under a similar condition, but did not include the potential use of computerized voice stress analyzer (CVSA) testing by the probation office. The above condition will enhance the ability of the United States Probation Office to supervise this Offender, and has also been adopted as a standard condition of probation supervision for sex offenders.

Respectfully submitted,

MATTHEW L. BROWN
Chief U.S. Probation Officer

Approved by: 
Christopher McNeill
Supervising U.S. Probation Officer

by:


Dan Casullo
U.S. Probation Officer
May 5, 2011

THE COURT ORDERS

- [] No Action
[] The Extension of Supervision as Noted Above
[X] The Modification of Conditions as Noted Above
[] Other


Signature of Judicial Officer

Date

5/6/11

PROB 49
NNYrev.9/02

Waiver of Hearing to Modify Conditions
of Probation or Extend Term of Supervision

UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF NEW YORK

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my conditions of Probation or my period of supervision being extended. By 'assistance of counsel,' I understand that I have a right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I am fully aware this is only a proposal to the Court to address the alleged violation(s) and it is in no way binding upon the Court. The Court has the discretion to order a hearing which could result in a different sanction being imposed. I agree to the following modification of my Conditions of Probation or to the proposed extension of my term of supervision:

1. You shall participate in a mental health program, which will include, but will not be limited to, participation in a treatment program for sexual disorders. The program shall be approved by the United States Probation Office.

Your supervision may include examinations using a polygraph, computerized voice stress analyzer, or other similar device to obtain information necessary for supervision, case monitoring, and treatment. You shall answer the questions posed during the examination, subject to your right to challenge in a court of law the use of such statements as violations of your Fifth Amendment rights. In this regard, you shall be deemed to have not waived your Fifth Amendment rights. The results of any examinations shall be disclosed to the United States Probation Office and the Court, but shall not be further disclosed without the approval of the Court.

Witness: D. Casullo
Dan Casullo
U.S. Probation Officer

Christopher McNeill
Christopher McNeill
Supervising U.S. Probation Officer

Signed: Joseph P. Brown
Joseph P. Brown
Probationer

04/06/11
Date